

Document 2

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,
Plaintiff,

v.

UNITED STATES of AMERICA, et al.,
Defendants.

:
:
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:
:
:
:

Civil Action No. 05-147 (Erie)

DECLARATION OF MONICA RECKTENWALD

I, Monica Recktenwald, make the following declaration under penalty of perjury:

1. I am employed as an Executive Assistant, Camp Administrator, and Legal Liaison, by the United States Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution (FCI), McKean, Pennsylvania. I have been employed in this capacity since approximately August 22, 2004.


2. As a Legal Liaison at FCI McKean, I have access to most records maintained in the ordinary course of business at FCI McKean.

3. Attached hereto, please find a true and correct copy of the following documents, which are maintained in the ordinary course of business at FCI McKean:

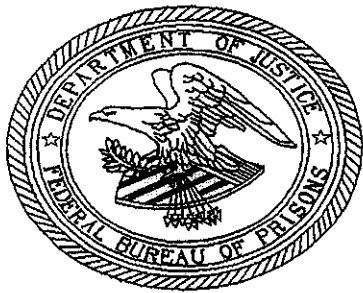
- a. Szarowicz Memorandum, dated February 29, 2004 (names of inmates other than Plaintiff redacted);
- b. Carlson Memorandum, dated February 29, 2004 (names of inmates other than Plaintiff redacted);
- c. Inmate Injury and Assessment and Follow-up form;
- d. McNinch Memorandum, dated February 29, 2004 (names of inmates other than Plaintiff redacted);
- e. Bailey Memorandum dated February 29, 2004 (names of inmates other than Plaintiff redacted);

I declare the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 8th day of December, 2005.


Monica Recktenwald
McKean, Pennsylvania

Document 2a



UNITED STATES GOVERNMENT
M E M O R A N D U M
FEDERAL CORRECTIONAL INSTITUTION
MCKEAN COUNTY, PENNSYLVANIA
16701-5000

DATE: February 29, 2004

REPLY TO

ATTN OF: John Szarowicz, SOS

SUBJECT: Inmate Baker, Darryl #19613-039

TO: Douglas Bailey, Operations Lieutenant

On 2-29-04 at approximately 0915 I entered the lower ten man cell in Unit AA. I found inmate Baker #19613-039 lying in his assigned cell with his bed sheet covering his face. I asked him a question and he answered me with the sheet still covering his face. I got suspicions so I ordered him to remove the sheet from his face. When he complied I discovered that his left eye and upper forehead had injuries that are consistent with an assault.

I then asked him what had happened to his face and he replied that a dumb bell up in the weight room fell on him.

I immediately notified the Operations Lieutenant.

Document 2b



U.S. Department of Justice
MEMORANDUM
Federal Bureau of Prisons
FCI MCKEAN

DATE: 2-29-04


REPLY TO: L. CARLSON S.O.S.

SUBJECT: POSSIBLE ASSAULT

TO: INVESTIGATING LT.

ON 2-29-04 AT APPROX. 9:30AM, WHILE ASSIGNED AS THE COMPOUND #2 OFFICER, I REPORTED TO UNIT A-A FOR A POSSIBLE ASSAULT, AT THAT TIME I ESCORTED INMATE BAKER #19613-039 TO THE LT. OFFICE, THEN TO THE INSTITUTIONAL HOSPITAL, THEN TO SHU. AFTER THE 10:00AM COUNT I REPORTED TO UNIT A-A, AND ESCORTED INMATE # TO THE LT. OFFICE, THEN TO THE INSTITUTIONAL HOSPITAL, THEN TO SHU.

Document 2c

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

INMATE INJURY ASSESSMENT AND FOLLOWUP
(Medical)

1. Institution FCI McKean	2. Name of Injured BAKER, DARRYL	3. Register Number 19613-039
4. Injured's Duty Assignment Unicon	5. Housing Assignment AA	6. Date and Time of Injury 2/27/04 2000hr
7. Where Did Injury Happen (Be specific as to location) Housing AA Cell #129	Work Related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	8. Date and Time Reported for Treatment 2/29/04 0950hr
9. Subjective: (Injured's Statement as to How Injury Occurred)(Symptoms as Reported by Patient) 41 y/o MALE C/O LT. Face & Eye Pain 2 assaults by 2 - Inmates & LOC; Also minor pain swelling & bruising of RT Chest & Back, RUE, BIL. HANDS. (3) Reports Epistaxis Epistaxis - 1st 24hr S/P x Darryl Baker (4) C/O Resolving (4) Anesthesia LT Face & Mandible dentition		
10. Objective: (Observations or Findings from Examination) CAD 3, Med distress, Ambulatory, Flaccid		Signature of Patient Darryl Baker LOC -
X-Rays Taken <input type="checkbox"/> Not Indicated <input checked="" type="checkbox"/> X-Ray Results		
11. Assessment: (Analysis of Facts Based on Subjective and Objective Data) HEAD - NC/RT; EARS - Q BLD, TMJ IN CONTACT & FLID / BLD; FACE - LT. mild tenderness & ecchymosis on swelling & STEP-OFF/DEFORMITY, skin intact & periorbital ecchymosis 11/edema @ RT & STEP-OFF; NOSE - partial RT PYRAMID & TIP - mild ecchymosis 11/edema @ RT NOSE 2nd DYS - RT; BILAT. MUCAL EDEMA LT & RT & DRYD & FRAIL BLD. LEFT & VISIBLE RAPTURE; CHAST BACK + UES (SEE DIAGRAM); NEUROLOGIC II - S/D; PERIA, LT. CONJUNCTIVITIS, EOMI		
12. Plan: (Diagnostic Procedures with Results, Treatment and Recommended Follow-up) (1) Penicillin Soft Tissue Trauma Ecchymosis / Edema & FX (7) Epistaxis & FX. (2) LT. MAXILLA / ZYGOMA Contusion & FX (4) 95. Anterior, Sprain (3) Contusion & ABRASION (Subcutaneous) (4) 95. Anterior, Sprain (4) 95. Anterior, Sprain (5) 95. Anterior, Sprain (6) 95. Anterior, Sprain (7) Epistaxis & FX. (8) Epistaxis & FX. (9) Epistaxis & FX. (10) Epistaxis & FX. (11) Epistaxis & FX. (12) Epistaxis & FX. (13) Epistaxis & FX. (14) Epistaxis & FX. (15) Epistaxis & FX. (16) Epistaxis & FX. (17) Epistaxis & FX. (18) Epistaxis & FX. (19) Epistaxis & FX. (20) Epistaxis & FX. (21) Epistaxis & FX. (22) Epistaxis & FX. (23) Epistaxis & FX. (24) Epistaxis & FX. (25) Epistaxis & FX. (26) Epistaxis & FX. (27) Epistaxis & FX. (28) Epistaxis & FX. (29) Epistaxis & FX. (30) Epistaxis & FX. (31) Epistaxis & FX. (32) Epistaxis & FX. (33) Epistaxis & FX. (34) Epistaxis & FX. (35) Epistaxis & FX. (36) Epistaxis & FX. (37) Epistaxis & FX. (38) Epistaxis & FX. (39) Epistaxis & FX. (40) Epistaxis & FX. (41) Epistaxis & FX. (42) Epistaxis & FX. (43) Epistaxis & FX. (44) Epistaxis & FX. (45) Epistaxis & FX. (46) Epistaxis & FX. (47) Epistaxis & FX. (48) Epistaxis & FX. (49) Epistaxis & FX. (50) Epistaxis & FX. (51) Epistaxis & FX. (52) Epistaxis & FX. (53) Epistaxis & FX. (54) Epistaxis & FX. (55) Epistaxis & FX. (56) Epistaxis & FX. (57) Epistaxis & FX. (58) Epistaxis & FX. (59) Epistaxis & FX. (60) Epistaxis & FX. (61) Epistaxis & FX. (62) Epistaxis & FX. (63) Epistaxis & FX. (64) Epistaxis & FX. (65) Epistaxis & FX. (66) Epistaxis & FX. (67) Epistaxis & FX. (68) Epistaxis & FX. (69) Epistaxis & FX. (70) Epistaxis & FX. (71) Epistaxis & FX. (72) Epistaxis & FX. (73) Epistaxis & FX. (74) Epistaxis & FX. (75) Epistaxis & FX. (76) Epistaxis & FX. (77) Epistaxis & FX. (78) Epistaxis & FX. (79) Epistaxis & FX. (80) Epistaxis & FX. (81) Epistaxis & FX. (82) Epistaxis & FX. (83) Epistaxis & FX. (84) Epistaxis & FX. (85) Epistaxis & FX. (86) Epistaxis & FX. (87) Epistaxis & FX. (88) Epistaxis & FX. (89) Epistaxis & FX. (90) Epistaxis & FX. (91) Epistaxis & FX. (92) Epistaxis & FX. (93) Epistaxis & FX. (94) Epistaxis & FX. (95) Epistaxis & FX. (96) Epistaxis & FX. (97) Epistaxis & FX. (98) Epistaxis & FX. (99) Epistaxis & FX. (100) Epistaxis & FX.		
13. This Injury Required: <input type="checkbox"/> a. No Medical Attention <input checked="" type="checkbox"/> b. Minor First Aid <input type="checkbox"/> c. Hospitalization <input type="checkbox"/> d. Other (explain) <input type="checkbox"/> e. Medically Unassigned <input type="checkbox"/> f. Civilian First Aid Only <input type="checkbox"/> g. Civilian Referred to Community Physician		
<p>Head view: 1. Eye, 2. Nose, 3. Mouth, 4. Chin, 5. Ear, 6. Temple, 7. Forehead, 8. Back of head, 9. Neck, 10. Shoulder, 11. Arm, 12. Hand, 13. Wrist, 14. Elbow, 15. Forearm, 16. Upper arm, 17. Shoulder blade, 18. Spine, 19. Hip, 20. Knee, 21. Ankle, 22. Foot, 23. Toe.</p> <p>Back view: 1. Neck, 2. Shoulder, 3. Upper arm, 4. Forearm, 5. Elbow, 6. Forearm, 7. Elbow, 8. Forearm, 9. Elbow, 10. Forearm, 11. Elbow, 12. Forearm, 13. Elbow, 14. Forearm, 15. Elbow, 16. Forearm, 17. Elbow, 18. Forearm, 19. Elbow, 20. Forearm, 21. Elbow, 22. Forearm, 23. Elbow, 24. Forearm, 25. Elbow, 26. Forearm, 27. Elbow, 28. Forearm, 29. Elbow, 30. Forearm, 31. Elbow, 32. Forearm, 33. Elbow, 34. Forearm, 35. Elbow, 36. Forearm, 37. Elbow, 38. Forearm, 39. Elbow, 40. Forearm, 41. Elbow, 42. Forearm, 43. Elbow, 44. Forearm, 45. Elbow, 46. Forearm, 47. Elbow, 48. Forearm, 49. Elbow, 50. Forearm, 51. Elbow, 52. Forearm, 53. Elbow, 54. Forearm, 55. Elbow, 56. Forearm, 57. Elbow, 58. Forearm, 59. Elbow, 60. Forearm, 61. Elbow, 62. Forearm, 63. Elbow, 64. Forearm, 65. Elbow, 66. Forearm, 67. Elbow, 68. Forearm, 69. Elbow, 70. Forearm, 71. Elbow, 72. Forearm, 73. Elbow, 74. Forearm, 75. Elbow, 76. Forearm, 77. Elbow, 78. Forearm, 79. Elbow, 80. Forearm, 81. Elbow, 82. Forearm, 83. Elbow, 84. Forearm, 85. Elbow, 86. Forearm, 87. Elbow, 88. Forearm, 89. Elbow, 90. Forearm, 91. Elbow, 92. Forearm, 93. Elbow, 94. Forearm, 95. Elbow, 96. Forearm, 97. Elbow, 98. Forearm, 99. Elbow, 100. Forearm.</p> <p>Front view: 1. Neck, 2. Shoulder, 3. Upper arm, 4. Forearm, 5. Elbow, 6. Forearm, 7. Elbow, 8. Forearm, 9. Elbow, 10. Forearm, 11. Elbow, 12. Forearm, 13. Elbow, 14. Forearm, 15. Elbow, 16. Forearm, 17. Elbow, 18. Forearm, 19. Elbow, 20. Forearm, 21. Elbow, 22. Forearm, 23. Elbow, 24. Forearm, 25. Elbow, 26. Forearm, 27. Elbow, 28. Forearm, 29. Elbow, 30. Forearm, 31. Elbow, 32. Forearm, 33. Elbow, 34. Forearm, 35. Elbow, 36. Forearm, 37. Elbow, 38. Forearm, 39. Elbow, 40. Forearm, 41. Elbow, 42. Forearm, 43. Elbow, 44. Forearm, 45. Elbow, 46. Forearm, 47. Elbow, 48. Forearm, 49. Elbow, 50. Forearm, 51. Elbow, 52. Forearm, 53. Elbow, 54. Forearm, 55. Elbow, 56. Forearm, 57. Elbow, 58. Forearm, 59. Elbow, 60. Forearm, 61. Elbow, 62. Forearm, 63. Elbow, 64. Forearm, 65. Elbow, 66. Forearm, 67. Elbow, 68. Forearm, 69. Elbow, 70. Forearm, 71. Elbow, 72. Forearm, 73. Elbow, 74. Forearm, 75. Elbow, 76. Forearm, 77. Elbow, 78. Forearm, 79. Elbow, 80. Forearm, 81. Elbow, 82. Forearm, 83. Elbow, 84. Forearm, 85. Elbow, 86. Forearm, 87. Elbow, 88. Forearm, 89. Elbow, 90. Forearm, 91. Elbow, 92. Forearm, 93. Elbow, 94. Forearm, 95. Elbow, 96. Forearm, 97. Elbow, 98. Forearm, 99. Elbow, 100. Forearm.</p>		

Original - Medical File

Canary - Safety

Pink - Work Supervisor (Work related only)

Goldenrod - Correctional Supervisor

Robert E. Piotrowski, PA-C
FCI McKean

Self Carboned Form - If ballpoint pen is used, PRESS HARD

Document 2d

UNITED STATES GOVERNMENT
M E M O R A N D U MFEDERAL CORRECTIONAL INSTITUTION
MCKEAN COUNTY, PENNSYLVANIA
16701-5000

DATE: February 29, 2004

REPLY TO *Ellen McNinch*
ATTN OF: Ellen McNinch, Correctional Counselor

SUBJECT: Inmate Baker, Darryl #19613-039

TO: *D. Bailey*, Operations Lieutenant

On 2-29-04 at approximately 1245 an inmate came to my office and told me that on Friday night (2-27-04) inmate Baker #19613-039 went into the microwave room to use one of the microwaves. At that time inmate #19613-039 was using one and saving the other one for a friend. Inmate #19613-039 told Baker he could not use the microwave. Apparently they had words. Then inmate #19613-039 came into the room, held inmate Baker down while inmate #19613-039 beat him up.

I was also informed that inmate #19613-039 and inmate #19613-039 were intoxicated at that time.

I then asked him what had happened to his face and he replied that a dumb bell up in the weight room fell on him.

I immediately notified the Operations Lieutenant.

"Sensitive-Limited Official Use Only"

Document 2e



FEDERAL BUREAU OF PRISONS

m e m o r a n d u m

FCI, McKean, Pennsylvania

DATE: February 29, 2004

REPLY TO
ATTN OF: D. Bailey, Lieutenant

SUBJECT: Fight / Assault, Inmate on Inmate

TO: Donald P. Reich, Captain

On Sunday, February 29, 2004, at approximately 9:40 am, I was notified by Officer Szarowicz, Unit A-A, that he had an inmate with injuries consistent with being involved in a physical altercation. Staff responded to Unit A-A and found inmate Baker, Darryl, #19613-039 with a swollen left eye. Further investigation revealed that on Friday, February 27, 2004, at approximately 8:30 pm, inmates Baker #19613-039 and [redacted] # [redacted] got into a verbal altercation in the microwave room of Unit A-A, over the use of the microwaves. The argument escalated and at some point inmate [redacted] # [redacted] entered the area. The three inmates then got involved in a physical altercation.

All three inmates were escorted to the Health Services Department for medical assessments and placed in the Special Housing Unit pending investigation.

A hand and body check was conducted of all inmates in Unit A-A with negative results.

INMATE INTERVIEWS:

Baker, Darryl #19613-039

Inmate Baker was interviewed in the Lieutenant's office by Lt. Bailey and he gave the following statement:

Inmate Baker stated that on Friday night at approximately 8:30 pm he entered the microwave room of Unit A-A. He got into an argument with inmate [redacted] # [redacted] over the use of a microwave. He stated that [redacted] left the area and returned with inmate [redacted] # [redacted] and the two of them proceeded to assault him.

#

Inmate [redacted] was interviewed in the Lieutenant's office by Lt. Bailey and he gave the following statement:

Inmate [redacted] stated that he did not have any knowledge of a fight or assault taking place recently in Unit A-A. He further stated that he was not involved in any fight or assault of inmate Baker and that he has not seen Baker for several days.

#

Inmate [redacted] was interviewed in the Lieutenant's office by Lt. Bailey and he gave the following statement:

Inmate [redacted] stated that Baker and [redacted] had gotten into a fight in the microwave room on Friday night. He stated that the two of them got into a fight over the use of a microwave and that when he saw it he jumped in to break things up. [redacted] claimed that he had nothing to do with the injuries sustained by Baker.

INMATE MEDICAL ASSESSMENT REPORTS:

Baker, Darryl #19613-039

Inmate Baker received a medical assessment by Robert Piotrowski, PA-C in the Health Services Department:

Inmate Baker sustained a hemorrhage to his left eye, superficial abrasions to the left side of his face, and a contusion to his forehead.

#

Inmate [redacted] received a medical assessment by Robert Piotrowski, PA-C in the Health Services Department:

Inmate [redacted] did not sustain any injuries during this incident.

#

Inmate [redacted] received a medical assessment by Robert Piotrowski, PA-C in the Health Services Department:

Inmate [redacted] did not sustain any injuries during this incident.